

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**Ricardo Matthews and Cleo Frank
Jackson, et al.,**

Plaintiffs,

vs.

Town of Autaugaville, et al.,

Defendants.

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2:06-cv-00185-MHT-TFM

DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT

COME NOW Defendants, by and through counsel, and state the following as their answer to Plaintiffs' complaint:

1. These Defendants admit paragraph one of Plaintiffs' complaint.
2. These Defendants admit paragraph two of Plaintiffs' complaint.
3. These Defendants admit paragraph three of Plaintiffs' complaint.
4. These Defendants admit paragraph four of Plaintiffs' complaint.
5. These Defendants admit paragraph five of Plaintiffs' complaint.
6. These Defendants admit paragraph six of Plaintiffs' complaint.
7. These Defendants admit paragraph seven of Plaintiffs' complaint.
8. These Defendants admit paragraph eight of Plaintiffs' complaint.
9. These Defendants admit that the United States District Court for the Middle District of Alabama, Northern Division, has jurisdiction to adjudicate this matter.
10. These Defendants deny paragraph ten of Plaintiffs' complaint and demand strict proof

thereof.

11. These Defendants deny paragraph eleven of Plaintiffs' complaint and demand strict proof thereof.

12. These Defendants deny paragraph twelve of Plaintiffs' complaint and demand strict proof thereof..

13. These Defendants deny paragraph thirteen of Plaintiffs' complaint and demand strict proof thereof..

14. These Defendants deny paragraph fourteen of Plaintiffs' complaint and demand strict proof thereof..

15. These Defendants admit paragraph fifteen of Plaintiffs' complaint.

16. These Defendants deny paragraph sixteen of Plaintiffs' complaint and demand strict proof thereof..

17. These Defendants admit paragraph seventeen of Plaintiffs' complaint.

18. These Defendants admit paragraph eighteen of Plaintiffs' complaint.

19. These Defendants admit paragraph nineteen of Plaintiffs' complaint.

20. These Defendants deny count one of Plaintiffs' complaint and demand strict proof thereof.

21. These Defendants deny count two of Plaintiffs' complaint and demand strict proof thereof.

22. These Defendants deny count three of Plaintiffs' complaint and demand strict proof thereof.

23. These Defendants deny Plaintiffs' prayer for relief and demand strict proof thereof.

AFFIRMATIVE DEFENSES

1. These Defendants affirmatively plead that Plaintiffs' constitutional rights were not violated.
2. These Defendants affirmatively plead that they are entitled to immunity.
3. These Defendants affirmatively plead that a policy or custom of the Town of Autaugaville was not the proximate cause of Plaintiffs' alleged constitutional violation.
4. These Defendants affirmatively plead that Plaintiffs were guilty of conduct leading to their alleged discipline.
5. These Defendants affirmatively plead that Plaintiffs availed themselves of all possible due process procedures.
6. These Defendants affirmatively plead that Plaintiffs cannot identify a deprivation of the state procedure.
7. These Defendants affirmatively plead that any deprivation of liberty interest suffered by Plaintiffs was cured at a later procedural hearing.
8. These Defendants affirmatively plead that Plaintiffs were given notice of any hearing and the opportunity to be heard.
9. These Defendants affirmatively plead that Plaintiffs are guilty as charged.
10. These Defendants affirmatively plead that they were treated as other similarly situated individuals.
11. These Defendants affirmatively plead that Plaintiffs are not entitled to recover punitive damages.
12. These Defendants affirmatively plead the officers were adequately trained.

13. These Defendants affirmatively plead that Defendants did not violate a state law set forth by Alabama Code.

14. These Defendants affirmatively plead that Alabama law does not require direct supervision of law enforcement officers as Plaintiffs suggest.

15. These Defendants affirmatively plead the officers were under control and supervision of Chief Johnson.

16. These Defendants affirmatively plead that they treated Plaintiff equally with other similarly situated individuals.

/sRick A. Howard
ALEX L. HOLTSFORD, JR. (HOL048)
RICK A. HOWARD (HOW045)
APRIL W. MCKAY (WIL304)
Attorneys for Defendants

OF COUNSEL:
Nix Holtsford Gilliland
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CERTIFICATE OF SERVICE

I hereby certify that I have this day sent by mail, postage prepaid, an exact copy of the foregoing document to:

Jim L. Debardeleben
Post Office Box 152
Montgomery, Alabama 36101-0152

This the ____ day of January, 2007.

/s Rick A. Howard
OF COUNSEL